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SEP 7 1982
ALEXANDER L. STEVAS,
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No. 82-270

IN THE
Supreme Court of the United States
OCTOBER TERM, 1981

UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC,
Petitioner,

v.

ELBERT ERKINS, SAMUEL DENSON, PERRY CULPEPPER, BILLY BRYAN, ARTHUR COMER, GEORGE BULLARD, and CHARLIE GREENE,
Respondents.

BRIEF OF RESPONDENTS BILLY BRYAN, ARTHUR COMER, GEORGE BULLARD AND CHARLIE GREENE IN SUPPORT OF THE PETITION

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These respondents adopt and support petitioner's Statement of the Questions Presented; Authorities Cited; Reasons for Granting the Writ; Jurisdiction; and Statutory Provisions Involved.

SUPPLEMENTAL STATEMENT OF THE CASE

These respondents agree with and adopt petitioner's Statement of the Case and supplement same briefly. These respondents were members, and respondents Bryan, Comer and Greene were officers or representatives, of Local 7326, United Steelworkers of America, AFL-CIO-CLC. That Local engaged in a lawful strike at American

Buildings Company (the Company) at Eufaula, Alabama, from December 8, 1976 to July 14, 1978.

This civil action under the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 401, *et seq.* (the Act), was brought against these respondents on May 1, 1980, in the United States District Court for the Middle District of Alabama. Also, these respondents were indicted on November 3, 1981, in Docket No. 81-83-N, in that same district court for alleged criminal violations of the Act.

The criminal indictment was based upon substantially the same unfounded and unsupportable allegations of misuse of strike funds as appear in this civil suit. One count also included an allegation of the filing of a false Labor Organization Annual Report Form LM-2.

The indictment charged in summary:

Count I—Billy Ray Bryan—as an officer, embezzlement and conversion of funds of the Local;

Count II—Billy Ray Bryan—as an officer, filing a false Labor Organization Annual Report Form LM-2;

Count III—Arthur Comer—as an officer, embezzlement and conversion of funds of the Local;

Count IV—Charlie Greene—as an officer, embezzlement and conversion of funds of the Local;

Count V—George D. Bullard—as an employee of the Local, embezzlement and conversion of funds of the Local.

At trial of the criminal cases to a jury, the Court dismissed Counts II and V of the indictment after hearing the evidence. The jury returned verdicts of not guilty on all remaining counts. The judgments which were entered in the criminal cases are attached hereto as Appendices A, B, C and D.

The decision below was incorrect, as Petitioner has set forth. These respondents are the innocent victims of that error.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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